

REMARKS/ARGUMENTS

Applicant would like to thank the Examiner for the careful consideration given the present application.

A telephonic interview was held on May 28, 2008 at the request of the Examiner. The participants were Examiners Helene Bor and Brian Casler and attorney Brad Spencer. Claims 1 and 2 as amended herein were discussed, along with the cited Ramamurthy reference. The Examiners agreed to give favorable consideration to the amended claims. Applicant's attorney agreed to submit an additional declaration from the inventor, to clarify activity by the inventor and assignee occurring between June 20, 2003 and July 4, 2003.

Claims 1 and 2 were rejected under 35 U.S.C. 112, second paragraph, for reciting the term "window." For the reasons discussed in applicant's Response B dated December 26, 2007, the term "window" is not indefinite. Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. 112, second paragraph.

Claims 1-4 were rejected under 35 U.S.C. 102(e) as being anticipated by Ramamurthy. The Examiner considered the applicant's first declaration under 37 CFR 1.131 (submitted August 1, 2007) to be ineffective to overcome the Ramamurthy reference. Applicant has submitted another declaration under 37 CFR 1.131 to supplement the first declaration. Applicant respectfully requests reconsideration for the following reasons. The present application claims priority to Japanese patent application 2003-191700, which was filed on July 4, 2003. As can be seen from the declarations, a substantially complete draft of JP 2003-191700 was prepared and transmitted to the assignee of the present application, Matsushita Electric Industrial Co., Ltd., on June 20, 2003. Therefore, applicant conceived of the invention prior June 23, 2003, which is the earliest possible effective date of the Ramamurthy reference.

After transmission to the assignee, the draft application was reviewed by the applicant and the assignee and amendments to the claims were made. The application was subsequently filed in Japan (JP 2003-191700) on July 4, 2003. Merely two weeks passed between the transmission of the draft application to the assignee and the filing of the Japanese application. In that two week period, the application was reviewed, claim amendments prepared and the application filed. Clearly, the applicant was diligent between June 20, 2003 and July 4, 2003 in preparing and filing the application. It is diligent to review, amend and file a patent application within a mere two week period. Therefore, applicant's declarations under 37 CFR 1.131 establishes conception of the invention prior to June 23, 2003 and diligence in constructively reducing the invention to practice beginning prior to June 23, 2003, which proves invention of the claimed subject matter by the applicant prior to the effective date of the Ramamurthy reference. Applicant respectfully requests reconsideration and withdrawal of the rejections under 35 U.S.C. 102(e).

Although unnecessary in view of the declarations under 37 CFR 1.131, applicant traverses the rejections of claims 1-4 as being anticipated by Ramamurthy for the reasons discussed in applicant's Response B dated December 26, 2007. During the above-noted telephonic interview, the Examiners agreed that Ramamurthy did not anticipate amended claim 1.

Claim 1 was rejected under 35 U.S.C. 102(b) as being anticipated by Umemura. For the reasons discussed in applicant's Response B dated December 26, 2007, Umemura does not anticipate claim 1. Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. 112, second paragraph.

Appn. No. 10/560,846
Response dated June 11, 2008
Reply to Office Action dated October 19, 2007

In light of the foregoing, it is respectfully submitted that the present application is in condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. NIHE-39088.

Respectfully submitted,
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